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10/675,110	09/30/2003	Marcus Kellerman	14972US02	4986

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EXAMINER

REVAK, CHRISTOPHER A

ART UNIT PAPER NUMBER

2131

DATE MAILED: 02/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/675,110

Applicant(s)

KELLERMAN ET AL.

Examiner

Christopher A. Revak

Art Unit

2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13-15 and 21-28 is/are allowed.
- 6) ☒ Claim(s) 1-12 and 16-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 9/30/03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)     | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date. _____  | 6) <input type="checkbox"/> Other: _____                                    |



## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed on October 17, 2005 with respect to claims 1-12 and 16-20 have been fully considered but they are not persuasive.

It is argued by the applicant that Suzuki fails to disclose "a second communication device operatively coupled to the network, the second communication device receiving, from the first communication device, a device profile relating to the first communication device, and the second communication device sending the device profile and media content to the server, the server reformatting the media content based on the device profile." The examiner respectfully disagrees, for Suzuki discloses of a client, interpreted as the first communication device, and multimedia contents server, interpreted as the second communication device, are operably connected to the network. The multimedia contents server, interpreted as the second communication device, receives client information, interpreted as the device profile, related to the client, interpreted as the first communication device, from the client, interpreted as the first communications device, and the contents server, interpreted as the second communication device, sends the client information, interpreted as the device profile, and media content to the data access server. The data access server reformats the media content based on the client information, interpreted as the device profile, please refer to column 3, lines 38-49 & 61-63, column 6, lines 21-28 and column 7, lines 23-30, and as shown in Figure 1.

2. Applicant's arguments with respect to claims 13-15 and 21-28 have been fully considered and are persuasive. The rejection of the claims has been withdrawn.
3. The applicant's amendment to the abstract has overcome the examiner's objection to the specification and the objection is hereby withdrawn.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-5,7-12,16, and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Suzuki et al, U.S. Patent 6,463,445.

As per claim 1, the teachings of Suzuki et al disclose of a system for reformatting media content (col. 3, lines 27-33). A data access server is operably to a network (as shown in Figure 1). A client (first communication device) and multimedia contents server (second communication device) are operably connected to the network (as shown in Figure 1). The multimedia contents server (second communication device) receives client information (device profile) related to the client (first communication device) from the client (first communications device) and the contents server (second communication device) sends the client information (device profile) and media content

to the data access server (col. 3, lines 38-49 & 61-63 and col. 6, lines 21-28). The data access server reformats the media content based on the client information (device profile)(col. 3, lines 45-49 & 61-63 and col. 7, lines 23-30).

As per claim 2, it is disclosed by Suzuki et al of the data access server sending the reformatted media content to the client (first communication device)(col. 6, lines 31-34 and col. 7, lines 23-30).

As per claim 3, Suzuki et al teaches of the data access server transcoding the media content from a first type of format to a second type of format wherein the second type of format is compatible with the client (first communication device)(col. 6, lines 31-40).

As per claim 4, Suzuki et al discloses that the data access server comprises a dedicated format conversion server (col. 3, lines 61-63 and col. 7, lines 31-33).

As per claim 5, the teachings of Suzuki et al disclose that the client (first communication device) requests the media content from the multimedia contents server (second communication device)(col. 6, lines 21-28).

As per claim 7, it is disclosed by Suzuki et al that the client (first communication device) is coupled to the network via a first headend and the multimedia contents server (second communication device) is coupled to the network via a second headend (col. 6, lines 4-20).

As per claim 8, Suzuki et al teaches that the client (first communication device), multimedia contents server (second communication device), and the data access server comprise a software platform that can provide user-interface functionality, distributed

storage functionality, and networking functionality (col. 5, line 66 through col. 6, line 20 and col. 6, lines 37-44).

As per claim 9, Suzuki et al discloses of the client (first communication device), multimedia contents server (second communication device), and the data access server comprise a software platform that can provide channel setup (col. 5, line 66 through col. 6, line 20).

As per claim 10, it is taught by Suzuki et al that the client (first communication device), multimedia contents server (second communication device), and the data access server have distributed networking capability (col. 5, line 66 through col. 6, line 20).

As per claim 11, Suzuki et al discloses that the client information (device profile) comprises information related to the media capabilities of the client (first communication device)(col. 3, lines 38-49).

As per claim 12, Suzuki et al teaches that the client (first communication device) and the multimedia contents server (second communication device) comprise a television screen that facilitates view and interacting with media (col. 5, line 66 through col. 6, line 8).

As per claim 16, Suzuki et al teaches of a system for reformatting media content (col. 3, lines 27-33). A data access server is operably coupled to a network (as shown in Figure 1). A client (communications device) operably coupled to the network receives media content of a format that is not supported by the communications device and sends client information (device profile) of the client (communications device) and the

received media content to the data access server (col. 6, lines 41-57; and as shown in Figure 1). The data access server reformats the media content from the client (communications device) into a format that is supported by the client (communications device) based on the client information (device profile)(col. 3, lines 45-49 & 61-63 and col. 7, lines 23-30).

As per claim 17, it is disclosed by Suzuki et al that the data access server stores the client information (device profile) of the client (communications device) for use in reformatting other media destined for the client (communications device)(col. 15, lines 8-25).

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 6 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki et al, U.S. Patent 6,463,445.

As per claims 6 and 18, it is disclosed by Suzuki et al of a system for reformatting media content (col. 3, lines 27-33). A client (communication device) is operably connected to a network (as shown in Figure 1). The client (communications device) stores client information (device profile) and sends the client information (device profile) to the network (col. 3, lines 38-49 & 61-63 and col. 6, lines 21-28). Media content is

received from the network that has been reformatted based on the client information (device profile)(col. 3, lines 45-49 and col. 7, lines 23-30). The teachings of Suzuki et al do not disclose that the client information (device profile) is updated or revisable. It is obvious to one of ordinary skill in the art at the time of the invention to have been motivated to allow client information to be modified based on changes to the client (communications device). It is notoriously well known that a client can alter its configuration formats at any point in time and when that change takes place, the motivational benefits is to accordingly notify a server or provider so that the appropriate formats can be supplied. It is obvious that the teachings of Suzuki et al would have allowed updates or revisions to the client information (device profile) whenever changes were made to the client (communication device) so that the data access server can reformat the media that corresponds to the updated or revised client configuration.

As per claim 19, the teachings of Suzuki et al disclose of a data access server operably connected to the network (as shown in Figure 1). The data access server reformats the media content destined for the client (communications device) based on the revisable client information (device profile)(col. 3, lines 45-49 & 61-63 and col. 7, lines 23-30).

As per claim 20, Suzuki et al teaches that the data access server stores the revisable client information (device profile) of the client (communications device) for use in reformatting other media destined for the client (communications device)(col. 15, lines 8-25).



***Allowable Subject Matter***

8. Claims 13-15 and 21-28 are allowed.

***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher A. Revak whose telephone number is 571-272-3794. The examiner can normally be reached on Monday-Friday, 6:30am-3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CR



February 5, 2006



Christopher Revak  
Primary Examiner  
AU 2131

2/5/06